



**CITY OF MORGAN HILL**

**CITY COUNCIL  
MORGAN HILL REDEVELOPMENT AGENCY**

**COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

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**COUNCIL MEMBERS**

Dennis Kennedy, Mayor  
Steve Tate, Mayor Pro Tempore  
Hedy L. Chang, Council Member  
Cynthia J. Cook Council Member  
Greg Sellers, Council Member

**REDEVELOPMENT AGENCY**

Dennis Kennedy, Chair  
Greg Sellers, Vice-Chair  
Hedy L. Chang, Agency Member  
Cynthia J. Cook, Agency Member  
Steve Tate, Agency Member

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**WEDNESDAY, NOVEMBER 15, 2000**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL REGULAR MEETING  
and  
REDEVELOPMENT AGENCY SPECIAL MEETING**

**7:00 P.M.**

**CALL TO ORDER**

(Mayor/Chair Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/Agency Secretary Torrez)

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**INTRODUCTIONS**

Cary Keaten

*Deputy Director of Public Works - Engineering/City Engineer*

Albert Yeong  
*Junior Engineer*

**PROCLAMATION**  
*Family Week:*  
November 19 - 25, 2000

**PRESENTATION**  
*Cornerstone Project*  
Council Member Tate

**CITY COUNCIL REPORT**  
Mayor/Chair Kennedy

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**  
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE  
ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT  
IT TO THE CITY CLERK.**  
(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## ***City Council Action***

### **CONSENT CALENDAR:**

The Consent Calendar, Agenda Items #1 through #11 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

**Time  
Estimate  
Consent Calendar: 1 - 10 Minutes**

**Page**

1. **OCTOBER 2000 FINANCE AND INVESTMENT REPORT** ..... 1  
**Recommended Action: Accept and file** report.
2. **AUTHORIZE THE PURCHASE OF A REPLACEMENT VEHICLE FOR THE POLICE  
DEPARTMENT** ..... 27  
**Recommended Action:**
  1. **Authorize** the City Manager to Purchase a Replacement Used Vehicle for Police

- Undercover Use,
  2. **Declare** the Existing Vehicle P94-305 as Surplus, and
  3. **Authorize** Disposal of Surplus Vehicle Through Auction.
3. **CALIFORNIA LAW ENFORCEMENT EQUIPMENT PROGRAM (CLEEP)** ..... 29  
**Recommended Action:**
1. **Approve** the CLEEP Spending Plan,
  2. **Increase** Revenue Estimates in Fund 204 by \$111,442 and Authorize the Transfer of This Additional Revenue to the General Fund to Implement the Spending Plan, and
  3. **Appropriate** \$111,442 in the Funds Specified for the Purpose of Implementing the Spending Plan.
4. **ACCEPTANCE OF THE SANTA TERESA BOULEVARD WATER MAIN IMPROVEMENT PROJECT** ..... 33  
**Recommended Action:**
1. **Accept** as Complete the Santa Teresa Boulevard Water Main Improvement Project in the Final Amount of \$187,508.24, and
  2. **Direct** the City Clerk to File the Notice of Completion with the County Recorder's Office.
5. **APPROVAL OF CONTRACT/FUNDING FOR CONTRACT/TEMPORARY ENGINEERING SERVICES** ..... 37  
**Recommended Action:** **Approve** the Contract and Funding for One Temporary Full-time and One Contract Part-time Engineer.
6. **AWARD PURCHASE ORDER FOR DESIGN AND INSTALLATION OF FIRE SPRINKLER SYSTEM AND APPROVE AMENDMENT TO CONSULTANT AGREEMENT FOR ARCHITECTURAL SERVICES FOR CITY HALL EXPANSION PROJECT** ..... 43  
**Recommended Action:**
1. In Accordance with Section 3.04.150A of City Code, **Determine** that the Competitive Bid Process for Design and Installation of the Fire Sprinkler System in the Modular Buildings Would Not likely Result in a Lower Price to the City from a Responsible Bidder and/or Would Cause Unnecessary Expense or Delay of the Project,
  2. **Approve** Purchase Order in the Amount of \$10,850 with Northern California Fire Protection Services for Design and Installation of the New Fire Sprinkler System in the Modular Buildings for City Hall Expansion, and
  3. **Approve** an Amendment to the Consultant Agreement with Weston Miles Architects Increasing the Contract Amount by \$20,000 and the Term by Six Months and Authorize the City Manager to Execute the Amendment to Agreement.
7. **APPROVAL OF SUBDIVISION IMPROVEMENT AGREEMENT WITH AMB/BTS 6 LLC** ..... 47  
**Recommended Action:** **Approve** the Subdivision Improvement Agreement and Authorize the City Manager to Sign the Agreement on Behalf of the City with AMB/BTS 6 LLC.
8. **CONTRACT FOR INTERIM CHIEF BUILDING OFFICIAL** ..... 57  
**Recommended Action:**
1. **Transfer** \$20,000 from the Available Unappropriated Balance of the Community Development Fund to Contract Services within the Building Division (Acct. #206-5130-42231), and
  2. **Authorize** City Manager to Execute Contract.

9. **APPROVE CONTRACT AMENDMENT TO THE CONTRACT WITH MARK THOMAS AND COMPANY FOR ADDITIONAL DESIGN WORK FOR THE EAST DUNNE/101 INTERCHANGE IMPROVEMENT PROJECT** ..... 65  
**Recommended Action:** Authorize the City Manager to Execute an Amendment to the Agreement with Mark Thomas and Company for Additional Design Work in the Amount of \$65,000.
  
10. **APPROPRIATION FOR ENVIRONMENTAL REVIEW OF BICYCLE MASTER PLAN** ..... 67  
**Recommended Action:** Appropriate \$12,000 from our Park Development Fund Unappropriated Fund Balance for Providing Environmental Review for the Bicycle Master Plan.
  
11. **APPROVAL OF SPECIAL CITY COUNCIL MEETING MINUTES OF OCTOBER 25, 2000** ..... 69

**PUBLIC HEARINGS:**

- |     | Time<br>Estimate |   | Page |
|-----|------------------|---|------|
| 12. | 5 minutes        | <b><u>DEVELOPMENT AGREEMENT APPLICATION, DA-00-08: BERKSHIRE - SINGH</u></b> .....<br><b>Recommended Action:</b> Request staff presentation.<br>Public Hearing opened.<br>Please limit your remarks to 3 minutes. Public Hearing closed.<br>Council discussion.<br>Action- <u>Motion to Waive</u> the Reading in Full of Ordinance 1493, N.S.<br><u>Approving the Development Agreement;</u><br><u>Motion to Introduce Ordinance by Title Only.</u> | 71   |
| 13. | 30 minutes       | <b><u>URBAN SERVICE AREA APPLICATIONS-USA 00-02: SUNYSIDE-STODDARD</u></b> ....<br><b>Recommended Action:</b> Request staff presentation<br>Public Hearing opened.<br>Please limit your remarks to 3 minutes. Public Hearing closed.<br>Council discussion.<br>Action- <u>Adopt</u> the Mitigated Negative Declaration; and<br><u>Adopt</u> Resolution approving application USA 00-02 for inclusion into the Urban Service Boundary.               | 99   |
| 14. | 5 minutes        | <b><u>APPEAL APPLICATION AP 00-06: TILTON-GLENROCK/SHEA HOMES</u></b> .....<br><b>Recommended Action:</b> Request staff presentation<br>Public Hearing opened.<br>Please limit your remarks to 3 minutes. Public Hearing closed.<br>Council discussion.<br>Action- <u>Continue</u> Public Hearing to December 6, 2000 Council Meeting.  | 145  |
| 15. | 15 minutes       | <b><u>ORDINANCE ESTABLISHING AN ARCHITECTURAL AND SITE REVIEW BOARD (ARB)</u></b> .....<br><b>Recommended Action:</b> Request staff presentation  | 147  |

Public Hearing opened.  
Please limit your remarks to 3 minutes. Public Hearing closed.  
Council discussion.  
Action- Motion to Waive the Reading in Full of Ordinance 1495, N.S.  
Approving the Municipal Code Amendments;  
Motion to Introduce Ordinance by Title Only.  
Authorize the City Clerk to advertise and recruit applicants for the ARB.

**OTHER BUSINESS:**

	Time Estimate		Page
16.	5 minutes	<b><u>AMENDMENT TO CITY WASTEWATER PRETREATMENT AND SEWER USE ORDINANCE - CONTINUED CONSIDERATION</u></b> .....	165
		<b><u>Recommended Action:</u></b>	
		1. <u>Open/Close</u> for Public Comments,	
		2. <u>Waive</u> the Reading in Full of Ordinance No. 1492, N.S. Amending the City Wastewater Pretreatment and Sewer Use Ordinance, and	
		3. <u>Introduce</u> Ordinance by Title Only.	
17.	5 minutes	<b><u>FORECLOSURE RELATED TO DELINQUENT ASSESSMENTS FOR APN'S 817- 02-043 &amp; 817-02-044</u></b> .....	173
		<b><u>Recommended Action:</u></b>	
		1. <u>Order</u> a Sheriff's Sale of APN's 817-02-043 & 817-02-044 for delinquent assessments.	
18.	15 minutes	<b><u>DISCUSSION OF CITY PARTICIPATION IN CALPINE HEARING PROCESS</u></b> ....	175
		<b><u>Recommended Action:</u></b> <u>Authorize</u> the Calpine Subcommittee to Give Direction to the City Attorney Regarding Filing of Pre-hearing Conference Statement and Participation in Pre-hearing Conference.	
19.	10 minutes	<b><u>GMP METAL PLATING SEWER FEE FINANCING</u></b> .....	181
		<b><u>Recommended Action:</u></b> <u>Adopt</u> Resolution No. 5439 Which:	
		a. <u>Approves</u> a Sewer Fee Financing Agreement, Amortized Over Five Years, of Up to \$128,346 to GMP Metal Plating, Inc. for 7410 Jarvis Drive,	
		a. <u>Authorizes</u> the City Manager to Do Everything Necessary to Execute the Sewer Fee Financing Agreement, and	
		b. <u>Authorize</u> the City Manager to Monitor the Sewer Usage of GMP Metal Plating, Inc. over a Two Year Period And, to Adjust Sewer Impact Fees to Reflect Actual Capacity Requirements.	
20.	5 minutes	<b><u>REPEAL AND RE-ADOPTION OF CHAPTER 15.44 OF THE MUNICIPAL CODE AND ARTICLE XI OF CHAPTER 8.40 REGARDING THE FIRE PREVENTION CODE AND REGULATION OF TOXIC GASES, RESPECTIVELY</u></b> .....	203
		<b><u>Recommended Action:</u></b>	
		1. <u>Open/Close</u> for Public Comments,	
		2. <u>Waive</u> the Reading in Full of Ordinance No. 1494, N.S. Repealing and Updating the Fire Prevention Code, and	
		3. <u>Introduce</u> Ordinance by Title Only.	
		4. <u>Set</u> December 6, 2000 for Public Hearing date for adoption of the Ordinance.	

**OTHER BUSINESS:**

***Redevelopment Agency Action***

**CONSENT CALENDAR:** The Consent Calendar, Agenda Items #21 through #23 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
21.	<b><u>OCTOBER 2000 FINANCE AND INVESTMENT REPORT</u></b> ..... <b><u>Recommended Action:</u></b> <u>Accept and file</u> report.	247
22.	<b><u>DEFERRAL OF REIMBURSEMENT FOR BUTTERFIELD BLVD. IMPROVEMENTS</u></b> ..... <b><u>Recommended Action:</u></b> 1. <u>Approve</u> Deferral of Redevelopment Agency Reimbursement for the Butterfield Right-of-way and Public Improvement Costs for the Property Located at the Northwest Corner of Butterfield Blvd. and San Pedro Ave. (APN 817-11-062), and 2. <u>Authorize</u> the Executive Director to Do Everything Necessary to Prepare and Execute Any Documents Needed to Record the Deferral Against the Property.	257
23.	<b><u>AMENDMENT TO PURCHASE AGREEMENT FOR 17060 MONTEREY ROAD</u></b> ..... <b><u>Recommended Action(s):</u></b> <u>Authorize</u> the Executive Director to Execute and Modify as Necessary an Amendment to the Purchase Agreement with the Apostolic Assembly of the Faith in Christ Jesus (Church) to: 1) Extend the Lease-back Period to March 1, 2001 and 2) Extend the Close of Escrow to December 15, 2000 or 30 Days from the Church's Receipt of a Use Permit to Develop a Replacement Facility at Butterfield Blvd. and San Pedro Avenue, Whichever Is Later.	259

***City Council & Redevelopment Agency Action***

**CONSENT CALENDAR:** The Consent Calendar, Agenda Items #24 and #25 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate	Page
Consent Calendar: 1 - 10 Minutes	

24.	<b><u>APPROVAL OF JOINT REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MINUTES OF OCTOBER 25, 2000</u></b> .....	281
25.	<b><u>APPROVAL OF JOINT CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MINUTES OF NOVEMBER 1, 2000</u></b> .....	295

## *City Council Action*

### **OPPORTUNITY FOR PUBLIC COMMENT**

#### **CLOSED SESSION:**

**Time  
Estimate**

<b>10 minutes</b>	<b>1.</b>	
	<b><u>CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION</u></b>	
	Legal Authority:	Government Code 54956.8 & 54956.9(c) (1 potential case)
	Real Property(ies) involved:	APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Road (St. Louise Hospital property)
	City Negotiators:	Agency Members; Executive Director; Agency Counsel; and F. Gale Conner, special counsel
	Closed Session Topic:	Potential Litigation
<b>10 minutes</b>	<b>2.</b>	
	<b><u>CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION</u></b>	
	Legal Authority:	Government Code section 54956.9, subsection (a)
	Name of Case:	City of Morgan Hill. v. Jamina Investments
	Case Number:	CV 741428, Superior Court, County of Santa Clara
	Attendees:	City Council, City Manager, City Attorney, Special Counsel, Finance Director
<b>5 minutes</b>	<b>3.</b>	
	<b><u>CONFERENCE WITH REAL PROPERTY NEGOTIATOR</u></b>	
	Legal Authority:	Government Code 54956.8
	Property:	APN 779-04-010; 14465 Monterey Road; 29.2 acres
	Negotiating Parties:	
	For City:	City Manager; Public Works Director
	For Property Owners:	William Sing and Young Kay Mock; The GFI Company
	Under Negotiation:	Price and Terms of Payment
<b>5 minutes</b>	<b>4.</b>	
	<b><u>CONFERENCE WITH REAL PROPERTY NEGOTIATOR</u></b>	
	Legal Authority:	Government Code 54956.8
	Property:	APN 817-13-001; 37.8 acres (Soccer Complex)
	Negotiating Parties:	
	For City:	City Manager; Public Works Director
	For Property Owners:	Tadashi & Alice A. Kadonaga, Trustee
	Under Negotiation:	Price and Terms of Payment

5.

5 minutes

**CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATIONS &  
CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Legal Authority:	Government Code 54956.8 & 54946.9(c)
Property:	APN 825-06-002, 003, 029, 030; 36.6 acres (Railroad/Maple - Butterfield Retention Basin Site)
Negotiating Parties:	
For City:	City Manager; Public Works Director
For Property Owners:	Costa Family Partners
Under Negotiation:	Price and Terms of Payment

***City Council & Redevelopment Agency Action***

6.

5 minutes

**CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR**

Legal Authority:	Government Code 54956.8
Real Property Involved:	A 8.93 acre parcel located on West Edmundson Avenue, east of Community Park (APN 767-18-025)
City/Agency Negotiators:	City Manager/Executive Director; City Attorney/Agency Counsel; Director of Business Assistance & Housing Services
Closed Session Topic:	Acquisition of Real Property

7.

5 minutes

**CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR**

Legal Authority:	Government Code 54956.8
Real Property Involved:	An 8.25 acre parcel located on Diana Avenue, west of the Future Butterfield Boulevard extension (APN 726-12-006)
Negotiators:	
For City/Agency:	City Manager/Executive Director; City Attorney/Agency Counsel; Director of Business Assistance & Housing Services
For Property Owners:	Kontrabecki Associates ( or appropriate owner)
Closed Session Topic:	Acquisition of Real Property

**ADJOURN TO CLOSED SESSION:**

**RECONVENE:**

**CLOSED SESSION ANNOUNCEMENT:**

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**

